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# C.I.A. NOW ASSERTS IT SOUGHT DELAYS IN SENATE BRIEFING

## REVERSAL ON NICARAGUA

### Agency Said on Sunday It Was Senate Panel That Put Off a Meeting in February

By **BERNARD GWERTZMAN**

Special to The New York Times

WASHINGTON, April 16 — The Central Intelligence Agency reversed itself today and acknowledged that earlier this year, it delayed for six weeks a response to a request by the Senate Select Committee on Intelligence for a briefing on covert activity in Nicaragua.

A C.I.A. spokesman, George Lauder, said he gave an incorrect account Sunday when he told The New York Times that William J. Casey, the Director of Central Intelligence, had been ready to brief the committee in January, but had not done so until March because the committee asked for delays.

The retraction was made after Robert R. Simmons, the committee's staff director, told The Times today that he asked Clair George, the C.I.A.'s liaison officer, in late January for a briefing in early February. Mr. Simmons said the C.I.A. sought two delays and did not brief the committee until March 8.

#### Senators' Complaints Recalled

Senator Barry Goldwater, Republican of Arizona, committee chairman, and Senator Daniel Patrick Moynihan, Democrat of New York, vice chairman, have said that the C.I.A. did not keep the committee "currently" informed, in particular on the scope of American involvement in the mining of harbors starting in early January.

The Senators have also said that when there were briefings, March 8 and 13, Mr. Casey did not "fully" disclose the United States' role.

The Intelligence Oversight Act of 1980 says that intelligence committees of Congress will be kept "fully and currently informed of all intelligence activities" and of "any significant anticipated intelligence activity."

#### Moynihan Is Asked to Reconsider

Senator Moynihan said Sunday that he was resigning as vice chairman of the Intelligence Committee to draw attention to what he said was the failure of the C.I.A. to inform it properly.

Mr. Simmons said today that Senator Goldwater, who is in Taiwan, had asked him to urge Mr. Moynihan to reconsider his resignation. Mr. Moynihan said in a telephone interview that he was not inclined to change his mind.

The C.I.A., in seeking to demonstrate that it had kept committees informed, acknowledged publicly for the first time today its involvement in harbor mining. A statement said that "the subject of mining of Nicaraguan ports" had been discussed 11 times this year in Congressional briefings.

Mr. Simmons, the Intelligence Committee's staff chief, filled in additional details on briefing arrangements.

In a telephone call that he initiated, Mr. Lauder said that on Jan. 12, Mr. Casey told Senators Goldwater and Moynihan in a letter that the C.I.A. wished to "withdraw the full amount of money" — \$24 million — in funds approved for Nicaraguan activities.

"I was a little surprised," Mr. Simmons said. "I spoke to Clair George around Jan. 23 and told him that, on the basis of this request, the members would probably want a meeting with Mr. Casey before the February recess." The recess was for the Lincoln and Washington birthdays.

#### Goldwater Accommodated C.I.A.

Continuing his account of discussions with Mr. George, Mr. Simmons said:

"He called me back and said the Administration was still trying to make a decision on the issue of supplemental funds over and above the \$24 million, and could the committee wait until after the recess for the hearing. He also said that, because the Nicaraguan program was part of the President's foreign policy, he felt Secretary of State Shultz should be the lead witness."

Mr. Simmons said Senator Goldwa-

ter had agreed to accommodate the C.I.A., and a meeting was set for Feb. 29. Meanwhile, unknown to the Senate committee, the C.I.A. had briefed the House Intelligence Committee Jan. 31.

On Feb. 24, Mr. Simmons said, he was called by Mr. George and told that the agency did not want to brief on Feb. 29, as scheduled; because Mr. Shultz would be "unavailable." Mr. Simmons said he told Mr. George that there was pressure from many committee members for a briefing and he refused the request to postpone the meeting.

But on Feb. 27, Mr. Simmons said, Mr. Casey telephoned Senator Goldwater to seek a delay, and Senator Goldwater agreed to a March 8 meeting.

Today, when Mr. Lauder, the C.I.A. spokesman, was informed of Mr. Simmons's rebuttal, he said he had to check. He called back and said that, on the basis of his conversations with C.I.A. officials, "Rob Simmons is 100 percent correct."

"I am truly sorry," Mr. Lauder said. "We regret any misunderstanding on this matter."

Mr. Lauder, in a subsequent telephone conversation, was asked why the C.I.A. had briefed the House commit-



The New York Times

**Senator Barry Goldwater appealed to Senator Daniel Patrick Moynihan to reconsider his resignation.**

tee on Jan. 31, but had sought a delay in the Senate committee. He said the C.I.A. was under the impression that some senators wanted Mr. Shultz to

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testify and that the agency sought to accommodate Mr. Shultz's schedule.

Mr. Simmons said Mr. Casey was told Feb. 27 that the committee wanted the briefing without delay whether or not Mr. Shultz was there.

The specific issue of harbor mining, Mr. Simmons said, was mentioned by Mr. Casey in the context of accomplishments of the Nicaraguan rebels. According to Mr. Simmons, Mr. Casey said mines had been laid in three harbors, but his comments were phrased in such a way that it seemed as if the rebels had done it by themselves.

Mr. Simmons said the committee had been told in 1983 that the rebels were being trained in minelaying and it was assumed that the mining of ports was a result of that training.

The March 8 briefing was, in fact, dominated by a dispute that had arisen a day earlier when it was disclosed that the Administration had asked the Senate Appropriations Committee to approve \$21 million in supplemental funds for Nicaragua, without first obtaining the intelligence committee's authorization. Mr. Shultz apologized for bypassing the Intelligence Committee.

On March 13, Mr. Casey met again with the committee and won its backing for the additional \$21 million, which was eventually approved by the Senate on April 5. Mr. Casey gave no further details on harbor mining.

The first indication the committee had that the mining involved not just Nicaraguans came March 30, Mr. Simmons said. Senator Claiborne Pell, Democrat of Rhode Island, who is not on the Intelligence Committee, but is the ranking minority member on the Foreign Relations Committee, had been disturbed by reports of ships being damaged by mines and asked the Intelligence Committee for information.

Gary J. Schmitt, the committee's minority staff director, passed on the request to the C.I.A. and, on March 30, received a letter that mentioned "unilaterally controlled Latino assets."

Mr. Simmons, who said he had worked for 10 years for the C.I.A., knew that this meant the United States was in charge of Latin Americans doing the mining.

That letter led Mr. Schmitt to seek a full staff briefing on April 2, Mr. Simmons said, and this resulted in the disclosures about a C.I.A.-leased ship, carrying Americans, that was transferring mines to speedboats operated by non-Nicaraguan Latin Americans working for the agency.